



Portsmouth, Virginia Police Department Department Organization

Part-time and Off-Duty Employment			ADM	09
Effective:	12.21.12		5	pages
Supersedes:	11.15.97	CALEA: 22.3.4, 22.3.5		

APPROVED: Edward G. Hargis, Chief of Police

PURPOSE: To regulate part-time, off-duty employment of Portsmouth Police Department personnel.

GUIDELINES: The Department allows its employees to engage in part-time employment according to the guidelines set forth herein. Part-time employment may take place through agreements with outside employers, or through city-sponsored events and programs. Part-time employment may be denied or revoked if it appears that such employment might:

- Render the employee unavailable during an emergency.
- Impair the employee physically or mentally to the point that on-duty job performance may be affected.
- Require that any special consideration be given to scheduling of the employee's normal work hours.
- Interfere or conflict in any way with present duties, assignment, or existing departmental policies and procedures.
- Interfere or conflict in any way with the best interest of the department or the city, or be deemed inappropriate, unethical or unprofessional in the Chief of Police's opinion.
- Damage the Police Department's reputation or image.
- Be in any way coordinated through individuals of questionable character, including, but not limited to, the owners or managers of the business providing the employment.
- Reflect negatively on the Department, e.g., working for establishments that are under investigation or whose owners or management are not abiding by laws or government regulations, or have been consistently found in violation of state or federal law, or City ordinances.

Off-Duty Coordinator

The Chief of Police has designated the Staff Inspections officer as the Off-duty Coordinator. He or she is the Department's point of coordination and administration to oversee adherence to the policies and procedures contained in this order. The Off-Duty Coordinator shall review all requests for part-time employment, will work with the business or individual requesting part-time officers in executing the Agreement for Off-duty Employment, and will bring any conflicts or contradictions to this order to the attention of the Chief of Police. Further, he or she will inspect an employment location to ensure that it is a suitable environment for off-duty police employment, if he or she deems it necessary to do so.

(22.3.5 d)

I. Forms

A. The Department uses the following forms to authorize and document part-time and off-duty employment:

1. Permission to Work Part Time form (for part time off-duty employment not requiring the use of law enforcement powers).

2. Agreement for Off-Duty Police Employment. This agreement is executed between the employer and the Chief of Police (for off-duty employment where police powers may be used).
3. Off-Duty Police Employment Contract. This contract is executed between the employer and the employee and is submitted through the chain of command to the Chief of Police (off-duty employment where police powers may be used).
4. Request for Approval of Single Occurrence Outside Employment form. This form is used for single occurrence part-time jobs as described below.

II. PROCEDURES:

- A. Outside Employment **not** requiring the use of law enforcement powers: This section applies to part-time employment associated with contractual agreements between police employees and outside employers where payment for such services is negotiated and handled exclusively between the individual and said employers.
 1. Sworn and Civilian Personnel working part-time outside employment: (22.3.5 c)
 - a. Employees who intend to work such part-time will complete the “Permission to Work Part-Time” form and have it reviewed by their Sergeant or appropriate supervisor. The supervisor will forward the form to the Off-Duty Coordinator who will then forward it through the employee’s chain of command. The following apply:
 - i. Copies of the form, indicating approval or reasons for denial, will be returned to the employee and to the immediate supervisor. Copies will also be placed in the employee’s personnel jacket. The office of the Chief of Police will retain the originals.
 - ii. The Police Personnel Unit will enter all requests, whether approved or denied, into the off-duty employment module of Pistol RMS.
 - iii. If the same part-time employment carries over into a new year, employees will submit a new “Permission to Work Part-Time” form by January 30 of each year.
 - iv. Employees who are transferred or reassigned will notify their new supervisor of any part-time jobs they may have.
 - v. Supervisors who are promoted or reassigned will request a listing of part-time jobs being held by their immediate subordinates.
 2. All employees working in a part-time status outside of law enforcement, e.g., self-employed, consulting, business owner, teacher, etc. shall disclose this to their chain of command using the “Permission to Work Part-time” form. The supervisor will also forward this form to the Part-Time Coordinator. (22.3.4)
 3. Supervisors will ensure that, during their review of the employee’s Permission to Work Part-Time form, the requested employment will not bring discredit to the department or be a conflict of interest. (22.3.4)
- B. Non-City sponsored Off-duty Police Employment (that which requires the use of law enforcement powers):

1. Sworn employees may engage in such outside employment provided that it does not cause any conflict of interest between the employee's responsibilities to the Police Department and their obligations to the outside employer, or violate policy guidelines in the Chief of Police's opinion.
2. An officer may not work at any establishment until a signed Agreement for Off-Duty Police Employment and Off-duty Police Employment contract are submitted to and approved by the Chief of Police. (22.3.5 a)
3. Officers who are suspended or on unpaid administrative leave may not work a part-time job in any capacity that is related to or involves the use of police authority, regardless of the duration of such job.
4. Probationary employees will not be allowed to work part-time off-duty jobs that require the use of police powers or the carrying of a weapon until released from probation.
5. Officers who make arrests while working part-time jobs will contact an on-duty supervisor for direction regarding the continued handling of the case. As the officer assumes an on-duty status at the time of an arrest, court appearances resulting from part-time employment will be compensated by the department.
6. The employment must not take place outside of city limits.
7. If the employment carries over into a new year, employees will submit a new Off-duty Police Employment contract (the Agreement for Off-Duty Police Employment is not required) by January 30 of each year.
8. Once an officer affects an arrest while working a part-time job, he or she will assume an on-duty status with the Portsmouth Police Department.
9. The Off-Duty Coordinator can waive the requirement for the execution of the Agreement for Off-Duty Employment and Off-Duty Police Employment Contract if he or she deems there is insufficient time to execute them. An example of this is where an officer is asked to work a single occurrence off-duty job that requires law enforcement powers on short notice. Employees shall contact the Off-Duty Coordinator to seek this approval (or the shift commander in his or her absence). The Coordinator will determine the minimum number of officers necessary, based upon the nature of the event and the anticipated attendance (or the Shift Commander in his or her absence). The officer will then submit a Request for Approval of Single Occurrence Outside Employment form to his or her immediate supervisor in advance of the event. The supervisor will forward a copy of this form to the Off-Duty Coordinator. (22.3.5 a, c)
10. Review of Off-Duty Requests: (22.3.5 a, c, d)
 - a. The requesting employer must complete and sign an Agreement for Off-duty Employment and submit it to the Department's designated Off-duty Coordinator for review prior to forwarding the Agreement to the Chief of Police for signature. The Off-Duty Coordinator will review the employer's request to determine if the job duties and

responsibilities comply with this order.

(22.3.5 d)

- b. Potential employers can obtain a copy of the Agreement for Off-Duty Employment by either contacting the Off-Duty Coordinator for the application or responding to the Portsmouth Police Department's Off-Duty Coordinator's office to complete the application. Officers approached by potential off-duty employers will refer them to the Portsmouth Police Department's Off-Duty Coordinator. Officers will not prepare the Agreement for Off-Duty Employment nor agree to work for the employer. The Off-Duty coordinator will prepare all the necessary agreements and contracts. (22.3.5 d)
- c. The Off-Duty Coordinator will prepare the Off-Duty Police Employment Contract and obtain the employer's signature. Once complete, the Off-Duty Coordinator will forward the form to the originating employee who will then coordinate job logistics such as staffing and hours worked. Once the form has been signed by both the employer and the officer(s), the form will be submitted through the officer's supervisor for approval or disapproval to the Chief of Police. (22.3.5 a, d)
- d. The Off-duty Coordinator will review and submit to the chain of command all off-duty requests for establishments or temporary venues with ABC Banquet permits prior to an officer working an off-duty job there. The Off-Duty Coordinator will confirm that the establishment has an ABC Banquet permit before employment even if it is a single occurrence request. Officers working such events are permitted to work outside only.

C. City-Sponsored Events and Programs: This section applies to part-time employment associated with city or department-sponsored activities, such as special events and grants, regardless of duration, where payment for such services is handled through city payroll procedures. Employees will coordinate voluntary part-time employment for city-sponsored events or programs with their supervisor.

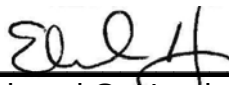
- 1. Employees will adhere to all administrative and operational guidelines which may govern those events, including sign-up, attendance, and performance requirements.
- 2. City-sponsored employment is not available to employees who are suspended, on unpaid leave, or sick or injured leave due to on or off-duty illness or injury.
- 3. City-sponsored employment for employees who are on restricted duty will be authorized only upon review of each individual case by the event or program coordinator and approval by the Chief of Police.
- 4. Probationary officers may not work city-sponsored events until released from field training, unless they work such events in conjunction with a Field Training Officer.

III. Additional Procedures:

(22.3.5 b)

- A. Employees will not work any part-time job that may bring themselves or the department into disrepute or be deemed a conflict or inappropriate by the Chief of Police (e.g., exotic dancer, bail bondsman, collections agent, private investigator, etc.). (22.3.5 b)

- B. Employees may not work any part-time assignment that will cause them to exceed 16 hours worked in a 24 hour period. (22.3.5 b)
- C. Officers may not involve themselves in the actual serving or dispensing of alcoholic beverages for on site consumption as part of their employment. Officers working for nightclubs or bars shall only provide services outside of the business and shall not act in the capacity of a “bouncer.” Should an incident occur inside the establishment that merits a 911 call for police service, the officer may enter the business to handle the situation and the officer shall notify dispatch that he or she is doing so.
- D. Officers will wear the police uniform when working any part-time job, including City sponsored part-time, that requires use of their police powers or where providing security, unless otherwise authorized by the Chief of Police. Such authorization will be noted at the bottom of the “Permission to Work Part-Time” form or Off-duty Police Employment contract.
- E. Officers will notify police dispatch via radio upon entering service at a part-time law-enforcement job, including City sponsored part-time, and at the end of their shift. The officer will also provide dispatch with the location of the part-time job. Officers are required to document any significant events that occur while at a part-time job such as arrests, crimes, etc. (22.3.5 e)
- F. Employees who are on sick leave, injured leave, or restricted duty status, whether police related or not, will not work any part-time job during the 24 hours subsequent to the leave notification or until the employee is released to full-duty status. However, if the employee is on restricted duty due to an on duty injury, he or she may request permission from the Chief of Police to work a part-time job that would have the same restrictions as the department. For example, if the employee’s off-duty job is as a computer programmer, such a request may be approved, but if the off-duty employment is that of a roofer then such request will be denied.
- G. Except under specific circumstances that will be examined on an individual basis, the city does not cover injuries incurred during part-time work for outside employers. Furthermore, the City’s Workers’ Compensation generally does not cover injuries to officers incurred during outside part-time employment.
- H. The Chief of Police or his designee must authorize any exception to these guidelines. Officers will note such exception on the bottom of their Permission to Work Part-Time Form or Off-Duty Police Employment Contract.
- I. All discipline, use of force, complaints, or any other reports or allegations regarding an officer’s conduct while working off-duty will immediately be forwarded to the Chief of Police. The Chief of Police will review the information and may revoke that officer’s part-time employment at any time when he deems it in the best interest of the Department. Additionally, the Chief of Police reserves the right to cancel any contract with the employer as stipulated in the Agreement of Off-Duty Employment and his or her decision is final. (22.3 5 c)

APPROVED: 
Edward G. Hargis, Chief of Police